



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/604,112	06/26/2000	Leland Szewerenco	TI-29316	3787

7590 05/09/2003  
Robert Troike Esq  
Baker Botts LLP  
The Warner Suite 1300  
1299 Pennsylvania Avenue NW  
Washington, DC 20004-2400

EXAMINER

GUBIOTTI, MATTHEW P

ART UNIT PAPER NUMBER

2124

DATE MAILED: 05/09/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

12

**Office Action Summary**

Application No.

09/604,112

Applicant(s)

SZEWERENKO ET AL. 

Examiner

Matthew Gubiotti

Art Unit

2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.


**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

-  14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-13 are pending in the application.

***Oath/Declaration***

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because it fails to identify this application by application number and filing date.

***Drawings***

3. Figures 1-3 should be designated by a legend such as -- Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Art Unit: 2124 .

*Specification*

*Claim Rejections - 35 USC § 112*

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 2 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 2 recites the limitation "the link" in Line 12: There is insufficient antecedent basis for this limitation in the claim. The language has been further treated below as reading "the allocation information".

7. Claim 9 recites the limitation "the set of code and data sections involved in the link" in Line 2. There is insufficient antecedent basis for this limitation in the claim. The language has been further treated below as reading "the set of code and data sections involved in the allocation instruction".

Art Unit: 2124

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-9, 12 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Cohen (U.S. Pat. No. 6,487,713).

**Claims 1-4**

Cohen teaches a visual linking apparatus (col.4, li.51-57) and associated method of allocating code and data sections substantially as claimed (See Abstract), comprising the steps of:

Generating a specific allocation instruction from a drag-and-drop or point-and-click user gesture made to a graphical user interface from a client program or program component (col.4, li.64 to col.5, li.5-14) (discussing generating a file based upon the configuration of software components in an interface);

Art Unit: 2124

Executing said instruction by altering allocation information associated with one or more code or data section ("adjusting the configuration as needed"; col.5, li.4-5) (See fig.33E);

Resolving allocation to the full extent possible given the current allocation information ("converting class designations into specific addresses to resolve ambiguities [in generating an executable file]"; col.5, li.8-14);

Reporting to client programs the current allocation state inclusive of allocation errors ("feature/file errors") and sections not yet assigned ("[components] out the build") (col.9, li.28-49); and

Repeating these steps until all sections of code and data have been allocated (col.10, li.40-61; col.37, li.37-43) (See also Fig.30).

**Claim 5**

Cohen further teaches displaying said current allocation state graphically to the user, inclusive of allocation errors ("feature/file errors") and section not yet allocated ("[components] out the build") (col.9, li.28-49; col.10, li.33-40) (See also fig.33B)

Art Unit: 2124

Claim 6

Cohen further teaches writing the results to an output file (col.5, li.8-14).

Claims 7 and 8

Cohen further teaches including the step of recording said instructions in a graphical user interface for replay in a linking strategy file ("sav[ing] any modifications"; col.9, li.66 to col.10, li.22; fig.33A).

Claim 9

Cohen further teaches wherein the set of code and data sections involved in the link may be determined by analyzing a cross-reference graph (col.24, li.29-57; fig.32).

Claim 12 and 13

Cohen further teaches applying allocation operations to a related group of sections simultaneously, as determined by a starting section on a cross-reference graph (col.11, li.9-15 and 25-35)

**Claim Rejections - 35 USC § 103**

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at

Art Unit: 2124

the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen as applied to claim 2 above, and further in view of Draves (U.S. Pat. No. 5,950,221)

Claims 10 and 11

Cohen teaches a visual linker and associated method for improving the development of software applications by allowing the dynamic configuration and linking of components through a visual interface (col.3, li.35-47). Cohen does not expressly teach specifying an overflow policy or specifying a minimum and maximum stack size in order to minimum the errors associated with memory misallocations and stack errors. In an analogous art of computer instruction execution, Draves teaches a stack overflow handler (col.3, li.35-59) that comprises a variable stack size (col.5, li.41-46). Draves teaches this as means of more efficient execution of computer instruction (col.3, li.25-34).

It would have been obvious to one of ordinary skill at the time of the invention to incorporate the overflow handler technique of Draves into the method disclosed by Cohen. The modification would have been obvious because one of ordinary skill in the art would have been motivated to reduce the



Art Unit: 2124

frequency of stack overflow and other memory allocation errors during the visual linking of software components in order to improve the overall efficiency of software development, as taught by both Cohen (col.3, li.17-33) and Draves (col.3, li.25-34).

### **Conclusion**

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew Gubiotti whose telephone number is (703) 305-8285. The examiner can normally be reached on M-F, 8-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703) 305-9662. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

MPG  
May 2, 2003



**TUAN Q. DAM**  
**PRIMARY EXAMINER**